IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 7374 of 2005

Between:

D. Swaroopa, W/o. Narasimha,
R/o. Khanapur (V), Ibrahim Patnam Mandal, R.R. District.

..... PETITIONER

AND

1. The Regional Transport Officer, South Zone, R.T.A,

Office at Bahadurpura, Hyderabad.
2 Inspector of Motor Vehicles, R.T.A, South Zone,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of Mandamus, declaring the action of the respondents in imposing the fine to the tune of 200% of the actual tax amount as well as in not accepting to receive the actual tax for releasing the petitioner's vehicle as illegal, improper, unjust, against to the natural justice, and consequently direct the respondents to release seized vehicle bearing No. A.P. 07/G.491 (HR.21/5975) to her forthwith by accepting the original Tax due from her.

For the Petitioner: Mr. Gundlapalli Laxmi Narasimha Rao, Advocate.

For the Respondents: GP for Transport.

The Court made the following:

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ORDER: (per Sri B. Sudershan Reddy, J)

We have heard the learned counsel for the petitioner and the learned Government Pleader for Transport and at their request, the matter is taken up for final disposal at the stage of admission. Rule nisi.

Having regard to the facts and circumstances in this particular case, we consider it appropriate to direct the respondents herein to release the tractor bearing No. A.P 07/G 491 (HR 21/5925) subject to the condition of the petitioner depositing the tax payable in respect of the vehicle without insisting for payment of the penalty. That so far as the penalty is concerned, the petitioner shall approach the Commissioner of Transport and file an appeal, which shall be received and heard for its disposal in accordance with law. The petitioner shall prefer the appeal within a period of ten days from today.

This order shall not be treated as a precedent since we have passed this order having regard to the peculiar facts and circumstances of this case.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

13-04-2005

(C.V. Ramulu, J)

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Note: Furnish copy by Friday.

B/O

To

1 The Regional Transport Officer, South Zone, R.T.A,

Office at Bahadurpura, Hyderabad.

2 Inspector of Motor Vehicles, R.T.A, South Zone,
Hyderabad.

2. Two CCs to the Government Pleader for Transport, High Court of Andhra Pradesh, Hyderabad (OUT).

3. Two CD copies.